

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)		
)		
v.)	Criminal No. 10- /	Erie
)		
PONMUTHUKUMAR THANGEVELU)		

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Robert S. Cessar, Acting United States Attorney for the Western District of Pennsylvania, and Christian A. Trabold, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a four-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Travel with intent to engage in a sexual act with a minor In and around October 2009	18 USC §§2423(b) and 2423(e)
	Inducing a minor to engage in illegal sexual activity From in and around November 2008 to in and around October 2009	18 USC §2422(b)

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<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
3	Travel with intent to engage in a sexual act with a minor In and around December 2009	18 USC §§2423(b) and 2423(e)
4	Inducing a minor to engage in illegal sexual activity From in and around October 2009 to in and around December 2009	18 USC §2422(b)

II. ELEMENTS OF THE OFFENSES

A. As to Counts 1 and 3:

In order for the crime of travel with intent to engage in a sexual act with a minor, in violation of 18 U.S.C. §§2423(b) and 2423(e), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant traveled in interstate or foreign commerce.

2. That the defendant traveled for the purpose of engaging in any illicit sexual conduct, as defined in Title 18, United States Code, Sections 2423(f) and 2246.

3. That the sexual act would be in violation of chapter 109A if the sexual act occurred in the special maritime or territorial jurisdiction of the United States.

Title 18, United States Code, Section 2423(b).

B. As to Counts 2 and 4:

In order for the crime of inducing a minor to engage in illegal sexual activity, in violation of 18 U.S.C. §2422(b), to be

established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly used the mail or any facility or means of interstate or foreign commerce.

2. To persuade, induce, entice or coerce any individual who had not attained the age of 18 years.

3. To engage in any sexual activity for which he (the defendant) could be charged with a criminal offense.

Title 18, United States Code, Section 2422(b).

III. PENALTIES

A. As to Counts 1 and 3: Travel with intent to engage in a sexual act with a minor (18 U.S.C. §§2423(b) and 2423(e)):

1. Imprisonment of not more than thirty (30) years (18 U.S.C. §2423(b)).

2. A fine of not more than \$250,000 (18 U.S.C. §3571(b)(3)).

3. A term of supervised release of not more than five (5) years (18 U.S.C. §3583(b)(1)).

4. Any or all of the above.

B. As to Counts 2 and 4: Inducing minor to engage in illegal sexual activity (18 U.S.C. §2422(b)):

1. Imprisonment of not less than ten (10) years, nor more than life (18 U.S.C. §2422(b)).

2. A fine of not more than \$250,000 (18 U.S.C. §3571(b)(3)).

3. A term of supervised release of not more than five (5) years (18 U.S.C. §3583(b)(1)).

4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed on each count upon which the defendant is convicted, pursuant to 18 U.S.C. §3013.

V. RESTITUTION

Not applicable in this case.

VI. FORFEITURE

As set forth in the indictment, forfeiture may be applicable in this case.

Respectfully submitted,

ROBERT S. CESSAR
Acting United States Attorney



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